

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

In the Matter of the Search of
25482 Lee Baker
Southfield, MI

Case No: 2:11-mc-51238
Judge: Cox, Sean F.

EMERGENCY PETITION FOR ORDER REQUIRING
IMMEDIATE RETURN OF SEIZED MOTOR VEHICLES

NOW COMES the Petitioner, Mary Louise Manns, by and through her attorney Ernest L. Jarrett, petitioning this Honorable Court to enter an order requiring the immediate return of her motor vehicles, and for good cause states as follows:

1. The Petitioner, Mary Louise Manns, is the sole owner of the home located at 24582 Lee Baker, Southfield, Michigan (subject to a mortgage held by Chase Bank). The house was originally purchased in 1995 by the petitioner and her husband, Mr. Billy Harold Manns. Mr. and Mrs. Manns lived at the home, together, until his death on March 31, 2001. at which time the Petitioner became the sole owner by virtue of her rights of survivorship.

2. Sometime during the year 2008, the Petitioner met Mr. Warren Lewis, Jr. and the two have enjoyed the companionship of each other since. Mr. Lewis is a frequent visitor to the Petitioner's however the home is not his residence and he in fact, maintains a separate residence.

3. On September 28, 2011, United States Magistrate Judge, Mark A. Randon signed a search warrant, authorizing the search of the Petitioner's home and the seizure of certain specified property. (see attached Exb. A).

4. On or about September 29, 2011 a task force, made up of state and federal law enforcement officers/agents executed the aforementioned search warrant. The Petitioner and Mr. Lewis were in the Petitioner's home when the task force entered the home.

5. Based upon the comments and conduct of the task force members, upon information and belief Petitioner states that she is not the target of any investigation, but rather only Mr. Lewis is.

6. Members of the task force seized several items of personal property, purchased and owned exclusively by the Petitioner which the aforementioned warrant did not directly or indirectly authorize or describe as "property to be seized". Moreover, the members of the task force lacked any other basis in the law for seizing such property. The seizure of all such property was therefore illegal, and must be returned to the Petitioner forthwith. Without waiving her right to demand or petition for the return of all items of personal property illegally seized, and without waiving her right to seek redress for the constitutionally unreasonable manner in which the search warrant was executed Petitioner seeks immediate return of motor vehicles, described in detail below, the seizure of which was not authorized by the warrant, and the deprivation of which has created an extreme hardship for the petitioner.

7. Members of the task force seized the following motor vehicles, without authorization from the court, nor any legal basis:

a) 1985 Mercury 2 dr.
vin: 1MHBP79M9FF607847

b) 1995 Ford Pick-Up
vin: 1FTEX15NXSB66173

c) 2008 Cadillac 4dr.
vin: 1G6KD57Y48U104665

d) 2010 Dodge Mini-Van
vin: 2D4RN3D5AR467597

8. Attach hereto are copies of the Certificate of Title for each vehicle seized reflecting that each automobile is exclusively owned by the Petitioner (collectively Exb. B).

9. Since the seizure of the vehicles, Petitioner has been served with a Notice of seizure and Intent to Forfeit (Exb. C). In the notice, members of the task force set forth their intent to forfeit each of the vehicles, though their seizure of each was clearly illegal. The notice of intent to forfeit is therefore an attempt to permanently divest the Petitioner of property which was illegally seized *ab initio*.

10. Petitioner has suffered and will continue to suffer substantial hardship unless and until her automobiles are returned to her.

WHEREFORE Petitioner respectfully requests that this Honorable Court enter an order requiring the immediate return of her automobiles.

Respectfully submitted,

/s/Ernest L. Jarrett
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